

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	Criminal No. 05-CR-10175-WGY-1
)	
v.)	
)	
NADINE J. GRIFFIN,)	
)	
Defendant.)	

UNITED STATES' OPPOSITION TO DEFENDANT'S MOVE TO
SUPPRESS EVIDENCE IN VIOLATION OF THE FIFTH
AND FOURTEENTH AMENDMENTS TO THE CONSTITUTION

The United States, by and through its undersigned attorney, hereby files its Opposition to Defendant's Move to Suppress Evidence in Violation of the Fifth and Fourteenth Amendments to the Constitution. Defendant's motion seeks to suppress two videotapes and all financial documents that establish an understatement of tax liability. Defendant's motion should be denied.

VIDEOTAPES

The Court should deny defendant's motion to suppress two videotapes, which were provided to defendant during discovery, because the videotapes present direct evidence of defendant's participation in Global Prosperity and knowledge of its operation. Further, on the videotapes defendant makes several admissions regarding the money *she* earned as a salesperson for Global Prosperity.

Also, at trial, it is anticipated that witnesses for the government will authenticate the videotapes. United States v. Beeler, 62 F. Supp. 2d 136, 148-49 (D. Me. 1999) (stating that "the government has the duty of laying a foundation that the videotape rerecordings accurately reproduce the scenes that took place, i.e., that they are accurate, authentic, and trustworthy."). Accordingly, defendant's motion to suppress the videotapes should be denied.

FINANCIAL DOCUMENTS

Defendant also seeks the suppression of "any and all financial documents" that would establish defendant's tax liability. As noted in a previous government motion, in this case, the government is not required to prove defendant's outstanding tax liability. Defendant is charged with filing false income tax returns, in violation of 26 U.S.C. § 7206(1), which does not require proof of a tax liability. To the extent "financial documents" establish that defendant filed false individual income tax returns, the government should be permitted to present such evidence at trial. Also, although defendant does not specifically identify which "financial documents" she wants suppressed, the government submits that bank records (including bank statements and checks), as well as any Global Prosperity business documents, such as customer applications, are relevant to establish defendant's unreported gross receipts. Accordingly,

the bank records, as well as other "financial documents" related to defendant's financial activity, are relevant to an issue in this case and should not be suppressed. FED. R. EVID. 402.

Further, there is no requirement that the government exhaust administrative remedies before commencing criminal action against defendant on charges of filing false individual income tax returns. As noted in previously filed government motions, this Court has jurisdiction over this case pursuant to 18 U.S.C. § 3231, which establishes that district courts have jurisdiction to consider alleged violations of federal criminal statutes. Moreover, defendant fails to cite any legal authority for her proposition. Finally, on March 10, 2006, this Court denied a similar motion filed by defendant (Defendant's Motion, Document 65).

WHEREFORE, the United States respectfully requests that the Court deny defendant's motion to suppress evidence.

Respectfully submitted,

MICHAEL J. SULLIVAN
United States Attorney

By:

/s/ Christopher J. Maietta
CHRISTOPHER J. MAIETTA
Trial Attorney
U.S. Department of Justice
(202) 514-4661

Dated: March 27, 2006

CERTIFICATE OF SERVICE

This is to certify that I have this day, March _____, 2006, served upon the person listed below a copy of the foregoing document by mail:

Nadine J. Griffin
Mail Boxes, Ect.
c/o 36 Center Street, #143
Wolfeboro, New Hampshire 03894

Christopher J. Maietta